

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,

v.

JORI THOMAS JONES

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**No. 3:00-CR-142
(Phillips)**

ORDER

This matter is before the court on the defendant's *pro se* motion to modify sentence brought pursuant to 18 U.S.C. § 3582(c) [Doc. 18]. The government has filed a response deferring to the court's discretion as to the amount the defendant's sentence might be reduced [Doc. 21]. The court also has received a modified presentence report from the United States Probation Office.

The defendant was sentenced by the Honorable James H. Jarvis on September 19, 2001, to 78 months imprisonment for possession with intent to distribute five grams or more of crack cocaine. This sentence was based on a guideline range of 78-97 months (base offense level 28 and a criminal history category I). Defendant was also given a 60 month sentence for carrying a firearm in relation to a drug trafficking crime, to be served consecutively, for a total sentence of 138 months. According to the Bureau of Prisons, the defendant is scheduled for release on August 27, 2010.

Under the retroactive amendment to the crack guidelines, the defendant's new restricted guideline range for the crack cocaine offense is 63-78 months (base offense level 26 and a criminal history category I). With the 60-month consecutive sentence for the firearm offense, the defendant's sentence would be 123 months.

It is hereby **ORDERED** that the defendant's motion [Doc. 180] is **GRANTED**, and the defendant's sentence is reduced to 123 months. If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. This Order shall take effect ten (10) days from its entry in order to give the Bureau of Prisons time to process the release of the defendant. Except as provided above, all provisions of the judgment dated September 25, 2001, shall remain in effect.

ENTER:

s/ Thomas W. Phillips
United States District Judge